STATEMENT IN SUPPORT OF PROBABLE CAUSE

IN RE: MCKINNEY, Sean Michael

I, Adrian M. Lopez Jr., declare and state as follows:

On June 8, 2017, Homeland Security Investigations (HSI) Special Agents (SAs) received a request for investigative assistance from the United States Border Patrol (USBP). HSI SAs responded to the Laredo West Border Patrol Station and conducted post arrest interviews. HSI SAs subsequently arrested Sean Michael MCKINNEY for violations of 8 USC 1324 (a)(1)(A)(ii) and (v)(I), and initiated an investigation.

HSI SAs responded to the Laredo West Border Patrol Station (LRW) and discovered the following:

On June 8, 2017, Border Patrol Agents (BPAs) were working their assigned duties at the Laredo West Border Patrol Checkpoint located on Highway 83 north of Laredo, Texas. At approximately 4:20 p.m., Sean Michael MCKINNEY approached the primary inspection lane driving a white 2006 Chevrolet van bearing Texas license plates. A BPA conducted an immigration inspection of MCKINNEY where it was determined he was a United States citizen. During the immigration inspection, the primary BPA stated he requested identification from MCKINNEY to which he stated he did not have any. At this point, a BPA canine handler advised the primary inspection agent, that his service canine alerted to the odors of narcotics and or concealed humans inside the van. The BPA then referred MCKINNEY to the secondary inspection area for further inspection.

At secondary, a search of the interior van revealed two aftermarket wooden compartments found on the sides of the cargo area. A BPA stated both wooden compartments had trap doors. Upon searching the wooden compartments, five people were found concealed inside. An immigration inspection was conducted where it was determined all five were undocumented aliens (UDA) illegally present in the United States. A BPA stated all five UDAs were extremely sweaty, and one UDA, while being escorted out of the van, almost fell, claiming extreme dehydration. At this point, MCKINNEY, along with the five UDAs, was arrested.

HSI SAs were notified, arrived on scene, and advised MCKINNEY of his Miranda rights which he verbally stated he understood. MCKINNEY was also given the opportunity to read his rights in the English language to which he signed and acknowledged. MCKINNEY waived his rights and agreed to give a statement without the presence of an attorney.

The following statement is made by MCKINNEY and is paraphrased:

MCKINNEY admitted to attempting to smuggle and transport the UDAs to San Antonio, Texas. MCKINNEY claimed he worked for a criminal smuggling organization operating in San Antonio, Texas. MCKINNEY stated on June 8, 2017, he was offered a job to smuggle five

UDAs from Laredo, Texas to San Antonio, Texas for a fee of $500 (USD) per person. MCKINNEY admitted he was provided the white van by the smuggling organization and claimed he was given instructions to travel to Laredo, Texas, and upon arriving; he was to call and provide his location. MCKINNEY stated once in Laredo, Texas, he called the smuggling organizer in San Antonio, Texas, and informed him he was stationed near a Home Depot and a Walmart parking lot in Laredo, Texas. MCKINNEY claimed he was instructed to wait in that location and the UDAs were going to approach the van. MCKINNEY claimed a pickup truck approached his location, and dropped off the five UDAs near the van. MCKINNEY stated the five UDAs entered the van, sat on the floor, and he then drove away from the parking lot. MCKINNEY admitted he drove several blocks away from the parking lot and stopped the van in order to conceal the UDAs inside the wooden compartments. MCKINNEY claimed once all the UDAs were inside, he called the smuggling organizer in San Antonio, Texas and informed him he had all the UDAs, and he was in route back to San Antonio, Texas. MCKINNEY stated he drove until arriving at the Border Patrol checkpoint where he was then arrested. MCKINNEY admitted this was his third time smuggling UDAs through Border Patrol Checkpoints in the past month. MCKINNEY stated he was the driver of a van which was seized by the United States Border Patrol a few weeks before near Freer, Texas. MCKINNEY claimed in that occasion, he was attempting to smuggle seven UDAs through the Freer Border Patrol Checkpoint, when his van broke down on the side of the road. MCKINNEY stated he also had hidden compartments in that van, and when the truck broke down, he removed all the UDAs from the compartments and instructed them to run into the brush before the police arrived.

Hermelindo YOC-Mejia, a UDA Guatemalan citizen, stated he made arrangements to be smuggled into the United States. YOC-Mejia claimed he was instructed to pay $8,000 (USD) to which he had already paid $1,800.00 (USD). YOC-Mejia claimed he was going to pay the remainder of the money upon arriving in Delton, Ohio. YOC-Mejia admitted to illegally wading the Rio Grande River on June 7, 2017, but could not recall the border city. YOC-Mejia stated a smuggling guide assisted him in illegally crossing the river, instructed him to walk through the brush, and gave him directions to the house he would be staying in. YOC-Mejia claimed on June 8, 2017, an unknown man came to pick him up at the house and took him to the location where a white van was waiting for him. YOC-Mejia stated upon arriving at the vans location, the doors were already opened. YOC-Mejia stated he, along with four other UDAs, were instructed to get inside and sit down. YOC-Mejia stated a man was already in the driver seat of the white van to which he described as; a tall, skinny, white male, bald, wearing a green shirt. A six pack photo array was presented to YOC-Mejia, by HSI SAs, where he identified MCKINNEY as the driver of the van. YOC-Mejia stated the white man pointed at them, and instructed them, by hand gestures, to conceal themselves inside the wooden compartments. YOC-Mejia stated once the trap door of the wooden compartment was closed, the van began moving and did not stop until arriving at the Border Patrol checkpoint. YOC-Mejia stated the inside of the compartment was extremely hot, and the temperature kept rising the longer they were inside. YOC-Mejia stated he began feeling dehydrated and admitted being inside for approximately one hour.

Nelson PEREZ-Perez, a UDA Guatemalan citizen, stated he made arrangements to be smuggled into the United States. PEREZ-Perez claimed he was instructed to pay 65,000 (Quetzales) (Equivalent to approximately $8,800 USD) which he obtained through a friend. PEREZ-Perez stated he traveled through Mexico by train until arriving in Miguel Aleman, Tamaulipas, Mexico. PEREZ-Perez admitted on June 3, 2017, he illegally waded the Rio Grande River with the assistance of a smuggling guide. PEREZ-Perez stated once crossing the river, a pickup truck driven by an unknown man, picked him up and took him to a house. PEREZ-Perez claimed there was already eleven other UDAs in that house when he arrived. PEREZ-Perez stated he stayed in that house for one night, until another man in a pickup truck arrived and brought him, along with several other UDAs, to another house in Laredo, Texas. PEREZ-Perez stated on June 8, 2017, a man arrived and picked him up along with four other UDAs. PEREZ-Perez stated the man was driving a pickup truck and drove them to a large parking lot with many vehicles. PEREZ-Perez stated in that parking lot, was the white van he was transported in. PEREZ-Perez stated they were instructed to get into that white van and conceal themselves inside. PEREZ-Perez stated there was a man inside the van, seated in the driver seat, which he described as; tall, slim, older white male, with no hair, and only spoke English. PEREZ-Perez stated when they entered the van; the white man pointed and made gestures for them to conceal themselves inside wooden box compartments. PEREZ-Perez stated once inside the wooden compartments, the van began moving and did not stop until arriving at the Border Patrol checkpoint. PEREZ-Perez positively identified MCKINNEY, as the driver of the van, in a six pack photo array which was presented by HSI SAs.

I declare (certify, verify, or state) under penalty of perjury that the forgoing is true and correct. Executed on the 9th day of June, 2017.

Adrian M. Lopez Jr.
Special Agent
Homeland Security Investigations

Having reviewed the foregoing declaration, I find probable cause that the defendant(s) named above committed an offense against the laws of the United States and may therefore be further detained pending presentment before a judicial officer.

Executed on the ____12th __ day of ___June_______, 2017______.

UNITED STATES MAGISTRATE JUDGE